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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,831	02/10/2004	Tricia Ehlers Henry	8285/673	8184

7590 05/17/2006  
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EXAMINER
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ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,831

Applicant(s)

HENRY ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 03/03/2006. Claims 1-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed on 03/03/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kasiviswanathan** (US 6,215,857) in view of Solomon et al. (U.S. Patent No. 5,809,114).

As to Claims 1,6,11,14-17, with respect to Figures 1-3, **Kasiviswanathan** teaches a system for enabling a user to access to a voicemail service comprising:

a customer premises equipment (CPE) at a user location for use by a user, the CPE comprising a plurality of character keys for use in dialing a sequence of characters (Figure 2, label 200; col.4, lines 34-39); and

a central office switch in communication with the CPE (Figure 1, label 210), the central office switch comprising:

a supplementary service processor, Figure 3, operative to receive the sequence of characters from the CPE, generate a query to a supplementary service database when the sequence of characters is a predetermined n-character messaging sequence where  $n < 7$ , and

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receive a call forwarding number from the supplementary service database (Figure 3 and Col. 4, lines 40-55);

wherein the central office switch is operative to connect the CPE with a voicemail service in response to the call forwarding number (Figure 3); and

wherein the user is allowed to access to the voicemail service and transmit the call forwarding number to the central office switch if the user has access to the voicemail service (Col. 4, lines 55-60).

However, **Kasiviswanathan** fails to teach the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier. Foladare teaches the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier (col.13, lines 9-33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Kasiviswanathan** to incorporate the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier in order to determine an authorized caller to leave the message.

As to Claim 2, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch is further operative to prevent access to the voicemail service in response to a determination that the user does not have access to the voicemail service (Figure 3).

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As to Claim 3, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises a router (Col. 4, lines 48-55).

As to Claims 4,18, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises an error handler for sending an error message to the CPE in response to a determination that the user does not have access to the voicemail service (Figure 3).

As to Claims 5,12, **Kasiviswanathan** teaches the system of Claim 1, wherein the n-character messaging sequence includes a first '\*' star character (Col. 4, lines 7-21).

As to Claims 7,8,13, **Kasiviswanathan** the system of Claim 6, wherein the 3-character messaging sequence includes a first '\*' star character followed by a two number sequence (Col. 4, lines 7-21).

As to Claim 9, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service processor further comprises a routing table for storing a call forwarding number for a user that has access the voicemail service (Col. 4, lines 14-27).

As to Claim 10, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service database further comprises a redirecting identifier for connecting the user to an error message when the user is temporarily prevented from using the predetermined n-character messaging sequence to access the voicemail service (Figure 3).

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As to Claim 19, **Kasiviswanathan** teaches the method of Claim 16, wherein (b) comprises transmitting a DVMA caller identifier from the central office switch to a supplementary service database (Col. 4, lines 40-48).

As to Claim 20, **Kasiviswanathan** teaches the method of Claim 19, wherein (c) further comprises verifying whether the user identified by the caller identifier subscribes to the voicemail service (Col. 4, lines 40-48).

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

May 12, 2006

  
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